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10/737,141	12/15/2003	Ajit P. Joshi	42P16772	6353

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EXAMINER	
HAILE, AWET A	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/737,141	JOSHI ET AL.	
	Examiner	Art Unit	
	AWET HAILE	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33 and 35-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33 and 35-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Please note that AU 2616 has been changed to AU 2416

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **03/02/2009** has been entered.

2. **Claims 1-33 and 35-39** are pending on this application.

Claim 34 is cancelled.

Response to Argument

3. Applicant's arguments with respect to **claims 1-33 and 35-39** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections – 35 USC§ 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 1-12** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-12 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant **Claims 1-12** neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Furthermore, the claims (i.e. particularly claim 1) recite purely mental steps (i.e. selecting a media item , receiving the media item and determining whether the media item need intelligent transcoding) without tying the steps to one of the four statutory categories of invention recited in USC § 101.

Claim Rejections – 35 USC§ 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claims 1-6, 8-18, 20-25, 29-33 and 35-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau (US 2003/0135860) in view of Safadi(US 2003/0126086 A1), and further in view of Yun et al(US 2005/0138123 A1).

Regarding claim 1, Dureau '860 discloses, a multimedia conversion method (see paragraphs 33-35 and Fig. 3, i.e. NG Receiver 340 providing multimedia content conversion/ transcending) comprising: enabling a user to select a media item that the user desires to have played on a particular rendering device on a network (see paragraph 33 lines 25-31 and Fig. 3, i.e. NG Receiver 340 processing user multimedia content requests received via device 352);

requesting the media item from a service provider (see paragraph 35 i.e. NG Receiver 340, receiving a request from devices 352 and forwarding the request to internet service provider via internet 371); receiving the media item (see paragraphs 35- 36 and Fig. 3, i.e. NG receiver 340 receiving HTML from the service provider, intended to PDA 352E and video image from camera 352B, then transmitting it to PDA352E);

determining whether the media item needs intelligent transcoding to be played on the particular rendering device(see paragraphs 35-36, 47 and Fig. 6 steps 602-606, i.e. NG receiver 340 determining whether to transcode received data by determining the target format(format

supported by the device 352) and received data format, notice, Dureau' 860 also teaches this limitation on paragraph 34, lines 12-15 *" Receiver 340 may then offer the transcoding required for devices 352 to communicate and exchange data one another, as well as with external location such as via internet 371"*),

wherein if the media item needs intelligent transcoding, then intelligently transcoding the media item(see paragraphs 34-36, 47 and Fig. 6 steps 606-612, i.e. based on the decision made on step 606, if transcoding is required transcoding the received data step 612),

wherein intelligent transcoding includes the capability of transcoding(see paragraphs 34 and 36, i.e. receiver 340 transcoding received multimedia content, if the multimedia content is not supported by devices 352), transrating(see paragraph 35, i.e. by compressing received data receiver 340 achieve data bitrate reduction), transformatting(see paragraph 39, i.e. converting/formatting digital satellite transmission into packets), and streaming the media item to the particular rendering device(see paragraph 36 and Fig. 3, i.e. NG Receiver 340 receiving video stream from camera 352B, change the format and then transmit to PDA352E).

Dureau '860 is silent on, wherein intelligent transcoding includes the capability of transcaling and transcripting.

Safadi '086 teaches, wherein intelligent transcoding includes the capability of transcripting (see abstract and paragraphs 33 -39, Safadi '086 teaches a method of changing an original DRM scheme into native DRM scheme).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of changing an original scheme DRM into local RDM scheme as taught by Safadi '086 into the transcoder subsystem 310 of Dureau '860, in order to provide methods and apparatus for digital rights management that allow a user to download and use content at a single media player or consumer device regardless of the DRM scheme, since such a method is suggested by Safadi '860(see paragraph 44).

Dureau '860 and Safadi '086 are silent on, wherein intelligent transcoding includes the capability of transcaling.

Yun '123 teaches, wherein intelligent transcoding includes the capability of transcaling (see paragraphs 23, 24 and Fig. 1, i.e. MMS transcoder 140 converting color depth and resolution of received images).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of transcaling/ changing resolution of media content as taught by Yun '123 into the transcoder subsystem 310 of Dureau '860, in order to

modify an event image mail from the relay server to be suitable for a subscriber terminal environment, as suggested by Yun '123 (see abstract).

Regarding claim 2, Dureau '860 discloses, wherein determining whether the media item needs intelligent transcoding to be played on the particular rendering device further comprises determining whether intelligent transcoding can be performed (see paragraph 34 and 47, and Fig.6 steps 606- 610 , i.e. checking if received media format is supported at step 610).

Regarding claim 3, Dureau '860 discloses, wherein determining whether intelligent transcoding can be performed comprises: determining whether the format of the media item can be transcoded(see paragraph 34, Fig 6 Fig 6 step 606 " Transcode required? "); determining whether a required platform usage to perform intelligent transcoding is available(see paragraph 40, control unit 302 executes operating system stored in memory 304, therefore, control unit 302 determines the platform needed for transcoding); and determining whether there is enough bandwidth on the network to perform intelligent transcoding(paragraph 35, lines 34-38, control unit 302 determine communication link bandwidth between receiver 12 and PDA352E).

Regarding claim 4, Dureau '860 discloses, wherein determining whether the format of the media item can be transcoded comprises using a rules engine to look up rules (Fig 3, Memory subsystem 304, stores software and protocols), based on policy, to determine whether the format of the media item can be transcoded (Fig 3, Control Unit 302 determines, whether or not transcoding is necessary using the rules stored in memory system 304).

Regarding claim 5, Dureau '860 discloses, wherein determining whether the media item needs intelligent transcoding to be played on the particular rendering device includes determining device capabilities for the particular rendering device (see Fig. 6, step 604) and determining whether the media format of the media item can be played on the particular rendering device (see Fig 6, step 606, see also paragraph 47).

Regarding claim 6, Dureau '860 discloses, wherein control points and discovery methods are used to determine the device capabilities (see paragraph 46, i.e. receiver 12 uses a plug- and- play functionality to discover new device capability).

Regarding claim 8, Dureau '860 and Safadi '086 are silent on, wherein the transcaling comprises changing the resolution of the media item.

Yun '123 teaches, wherein the transcaling comprises changing the resolution of the media item (see paragraphs 23, 24 and Fig. 1, i.e. MMS transcoder 140 converting color depth and resolution of received images).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of transcaling/ changing resolution of media content as taught by Yun '123 into the transcoder subsystem 310 of Dureau '860, in order to modify an event image mail from the relay server to be suitable for a subscriber terminal environment, as suggested by Yun '123 (see abstract).

Regarding claim 9, Dureau '860 discloses, wherein the transrating comprises changing or reducing the bitrate of the media item (see paragraph 35, lines 34-38, Note: by compressing the received data receiver 340 achieve data bitrate reduction).

Regarding claim 10, Dureau '860 discloses, wherein the transcoding comprises converting the format of the media item into another media format (see paragraph 37, Receiver 340 changes the received signal/data format, into another format if it's necessary).

Regarding claim 11, Dureau '860 wherein the transformatting comprises converting packaging of the media format to another media packaging format (see paragraph 39, lines 1-9).

Regarding claim 12, Dureau '860 failed to teach, wherein the transcripting comprises converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme.

Safadi '086 teaches, wherein the transcripting comprises converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme(see paragraph 33 -39, Safadi ' 086 teaches a process of changing an original DRM scheme into native DRM scheme).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of changing an original scheme DRM into local

RDM scheme as taught by Safadi '086 into the transcoder subsystem 310 of Dureau '860, in order to provide methods and apparatus for digital rights management that allow a user to download and use content at a single media player or consumer device regardless of the DRM scheme, since such a method is suggested by Safadi '860(see paragraph 44).

Regarding claim 13, Dureau '860 discloses, a computer readable medium, encoded with computer executable having a plurality of machine accessible instructions, wherein when the instructions are executed by a processor (see paragraphs 33-35 and Fig. 3, i.e. NG Receiver 340 providing multimedia content conversion/ transcending), the instructions provide for enabling a user to select a media item that the user desires to have played on a particular rendering device on a network (see paragraph 33 lines 25-31 and Fig. 3, i.e. NG Receiver 340 processing user multimedia content requests received via device 352);

requesting the media item from a service provider (see paragraph 35 i.e. NG Receiver 340, receiving a request from devices 352 and forwarding the request to internet service provider via internet 371); receiving the media item (see paragraphs 35- 36 and Fig. 3, i.e. NG receiver 340 receiving HTML from the service provider, intended to PDA 352E and video image from camera 352B, then transmitting it to PDA352E);

determining whether the media item needs intelligent transcoding to be played on the particular rendering device(see paragraphs 35-36, 47 and Fig. 6 steps 602-606, i.e. NG receiver 340 determining whether to transcode received data by determining the target format(format

supported by the device 352) and received data format, notice, Dureau' 860 also teaches this limitation on paragraph 34, lines 12-15 *" Receiver 340 may then offer the transcoding required for devices 352 to communicate and exchange data one another, as well as with external location such as via internet 371"*),

wherein if the media item needs intelligent transcoding, then intelligently transcoding the media item(see paragraphs 34-36, 47 and Fig. 6 steps 606-612, i.e. based on the decision made on step 606, if transcoding is required transcoding the received data step 612),

wherein intelligent transcoding includes the capability of transcoding(see paragraphs 34 and 36, i.e. receiver 340 transcoding received multimedia content, if the multimedia content is not supported by devices 352), transrating(see paragraph 35, i.e. by compressing received data receiver 340 achieve data bitrate reduction), transformatting(see paragraph 39, i.e. converting/formatting digital satellite transmission into packets), and streaming the media item to the particular rendering device(see paragraph 36 and Fig. 3, i.e. NG Receiver 340 receiving video stream from camera 352B, change the format and then transmit to PDA352E).

Dureau '860 is silent on, wherein intelligent transcoding includes the capability of transcaling and transcripting.

Safadi '086 teaches, wherein intelligent transcoding includes the capability of transcripting (see abstract and paragraphs 33 -39, Safadi '086 teaches a method of changing an original DRM scheme into native DRM scheme).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of changing an original scheme DRM into local RDM scheme as taught by Safadi '086 into the transcoder subsystem 310 of Dureau '860, in order to provide methods and apparatus for digital rights management that allow a user to download and use content at a single media player or consumer device regardless of the DRM scheme, since such a method is suggested by Safadi '860(paragraph 44).

Dureau '860 and Safadi '086 are silent on, wherein intelligent transcoding includes the capability of transcaling.

Yun '123 teaches, wherein intelligent transcoding includes the capability of transcaling (see paragraphs 23, 24 and Fig. 1, i.e. MMS transcoder 140 converting color depth and resolution of received images).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of transcaling/ changing resolution of media content as taught by Yun '123 into the transcoder subsystem 310 of Dureau '860, in order to

modify an event image mail from the relay server to be suitable for a subscriber terminal environment, as suggested by Yun '123 (see abstract).

Regarding claim 14, Dureau '860 discloses, wherein determining whether the media item needs intelligent transcoding to be played on the particular rendering device further comprises determining whether intelligent transcoding can be performed (see paragraph 34 and 47, and Fig.6 steps 606- 610 , i.e. checking if received media format is supported at step 610).

Regarding claim 15, Dureau '860 discloses, wherein determining whether intelligent transcoding can be performed comprises: determining whether the format of the media item can be transcoded(see paragraph 34, Fig 6 step 606 " Transcode required? "); determining whether a required platform usage to perform intelligent transcoding is available(see paragraph 40, control unit 302 executes operating system stored in memory 304, therefore, control unit 302 determines the platform needed for transcoding); and determining whether there is enough bandwidth on the network to perform intelligent transcoding(paragraph 35, lines 34-38, control unit 302 determine communication link bandwidth between receiver 12 and PDA352E).

Regarding claim 16, Dureau '860 discloses, wherein determining whether the format of the media item can be transcoded comprises using a rules engine to look up rules (Fig 3, Memory subsystem 304, stores software and protocols), based on policy, to determine whether the format of the media item can be transcoded (Fig 3, Control Unit 302 determines, whether transcoding is necessary using the rules stored in memory system 304).

Regarding claim 17, Dureau '860 discloses, wherein determining whether the media item needs intelligent transcoding to be played on the particular rendering device includes determining device capabilities for the particular rendering device (Fig 6, step 604, "Determine target format") and determining whether the media format of the media item can be played on the particular rendering device (Fig 6, steps 606, see also paragraph 47).

Regarding claim 18, Dureau '860 discloses, wherein control points and discovery methods are used to determine the device capabilities (see paragraph 46, receiver 12 uses a plug-and- play functionality to discover new device capability).

Regarding claim 20, Dureau '860 and Safadi '086 are silent on, wherein the transcaling comprises changing the resolution of the media item.

Yun '123 teaches, wherein the transcaling comprises changing the resolution of the media item (see paragraphs 23, 24 and Fig. 1, i.e. MMS transcoder 140 converting color depth and resolution of received images).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of transcaling/ changing resolution of media content as taught by Yun '123 into the transcoder subsystem 310 of Dureau '860, in order to modify an event image mail from the relay server to be suitable for a subscriber terminal environment, as suggested by Yun '123 (see abstract).

Regarding claim 21, Dureau '860 discloses, wherein the transrating comprises changing or reducing the bitrate of the media item (see paragraph 35, lines 34-38, Note: by compressing the received data receiver 340 achieve data bit rate reduction).

Regarding claim 22, Dureau '860 discloses, wherein the transcoding comprises converting the format of the media item into another media format (see paragraph 37, Receiver 340 changes the received signal/data format, into another format if it's necessary).

Regarding claim 23, Dureau '860 wherein the transformatting comprises converting packaging of the media format to another media packaging format (see paragraph 39, lines 1-9).

Regarding claim 24, Dureau '860 failed to teach, wherein the transcripting comprises instructions for converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme.

Safadi '086 teaches, wherein the transcripting comprises converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme(see paragraph 33 -39, Safadi ' 086 teaches a process of changing an original DRM scheme into native DRM scheme).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of changing an original scheme DRM into local

RDM scheme as taught by Safadi '086 into the transcoder subsystem 310 of Dureau '860, in order to provide methods and apparatus for digital rights management that allow a user to download and use content at a single media player or consumer device regardless of the DRM scheme, since such a method is suggested by Safadi '860(paragraph 44).

Regarding claim 25, Dureau '860 discloses, a conversion engine comprising: a policy manager to provide rules defining applicable media formats in which a particular media format can be transcoded (see paragraphs 40, 42 and Fig. 4, i.e. the memory system 304 stores operating systems, Protocols(rules) and driver software's , which can be used for transcoding);

a transport manager(see Fig. 4, i.e. Control Unit 302) to gather information from the policy manager(see paragraph 41 and Fig. 4, i.e. control unit 32 executing the software stored in memory 304), to determine network throughput(see paragraph 35, i.e. control unit 302 determining communication link bandwidth between receiver 12 and PDA352E) and platform usage required to perform intelligent transcoding(see paragraph 40, i.e. control unit 302 executes operating system stored in memory 304, thus, control unit 302 is capable of determining platform needed for transcoding) and to communicate with an application to provide device characteristics and policy information to a graph manager(see paragraph 44, lines 4-17, i.e. control unit 302 receives data, and if the data needs to be transcoded forward the data to the transcoder 310 with the receiver ID),

wherein intelligent transcoding includes the capability of transcoding(see paragraphs 34 and 36, i.e. receiver 340 transcoding received multimedia content, if the multimedia content is not supported by devices 352), transrating(see paragraph 35, i.e. by compressing received data receiver 340 achieve data bitrate reduction), transformatting(see paragraph 39, i.e. converting/formatting digital satellite transmission into packets), to transform a media format from a service provider to another media format for a rendering device for playing media on the rendering device(see paragraph 35 lines 12-38, i.e. if the data format from the Web is not supported by the PDA352E receiver 340 transcode/tranform the data and forward it to the PDA352E),

wherein the graph manager puts together an infrastructure for intelligent transcoding and enables intelligent transcoding to be performed (see paragraph 43 and Fig.5, i.e. transcode subsystem 310).

Dureau '860 is silent on, wherein intelligent transcoding includes the capability of transcaling and transcripting.

Safadi '086 teaches, wherein intelligent transcoding includes the capability of transcripting (see abstract and paragraphs 33 -39, Safadi '086 teaches a method of changing an original DRM scheme into native DRM scheme).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of changing an original scheme DRM into local RDM scheme as taught by Safadi '086 into the transcoder subsystem 310 of Dureau '860, in order to provide methods and apparatus for digital rights management that allow a user to download and use content at a single media player or consumer device regardless of the DRM scheme, since such a method is suggested by Safadi '860(see paragraph 44).

Dureau '860 and Safadi '086 are silent on, wherein intelligent transcoding includes the capability of transcaling.

Yun '123 teaches, wherein intelligent transcoding includes the capability of transcaling (see paragraphs 23, 24 and Fig. 1, i.e. MMS transcoder 140 converting color depth and resolution of received images).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of transcaling/ changing resolution of media content as taught by Yun '123 into the transcoder subsystem 310 of Dureau '860, in order to modify an event image mail from the relay server to be suitable for a subscriber terminal environment, as suggested by Yun '123 (see abstract).

Regarding claim 29, Dureau '860 discloses, a back channel manager to communicate out of band commands to applications (see Fig.1, i.e. Back Channel 26).

Regarding claim 30, Dureau '860 discloses, wherein the policy manager determines a required platform usage for a particular media format conversion(see paragraph 40, control unit 302 executes operating system stored in memory 304, therefore, control unit 302 is capable of determining platform needed for transcoding).

Regarding claim 31, Dureau '860 discloses, a home network comprising (see paragraph 33 and Fig. 3, i.e. building 370/ viewer's home): a controller (see Fig 3, i.e. NG Receiver 340) to control the flow of digital multimedia content from one or more service providers (see paragraph 33 and Fig. 3, i.e. NG Receiver 340 communicating with service provider via Internet 371 and satellite 360);

a plurality of rendering devices coupled to the controller (see Fig. 3, i.e. devices 352A-352E communicating with the NG Receiver 340), to play the digital multimedia content (see Fig. 3, PDA352E, TV 352 or Monitor 352D); and a media renderer to connect one or more of the plurality of rendering devices to the controller (see paragraph 33 and Fig.3 i.e. Receiver 352E);

wherein the controller comprises an intelligent transcoding engine (see Fig. 4, i.e. Transcode Subsystem 310)to intelligently transcode the digital multimedia content from an original media format to a format suitable for at least one of the rendering devices(see paragraphs 34-36, i.e. NG Receiver 340 transcoding data received from the Web and then forwarding it to PDA352E), wherein to intelligently transcode comprises the capability of

transcoding(see paragraphs 34 and 36, i.e. receiver 340 transcoding received multimedia content, if the multimedia content is not supported by devices 352), transrating(see paragraph 35, i.e. by compressing received data receiver 340 achieve data bitrate reduction), transformatting(see paragraph 39, i.e. converting/formatting digital satellite transmission into packets).

Dureau '860 is silent on, wherein to intelligently transcode comprises the capability of transcaling and transcripting.

Safadi '086 teaches, wherein to intelligently transcode comprises the capability of transcripting (see abstract and paragraphs 33 -39, Safadi '086 teaches a method of changing an original DRM scheme into native DRM scheme).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of changing an original scheme DRM into local RDM scheme as taught by Safadi '086 into the transcoder subsystem 310 of Dureau '860, in order to provide methods and apparatus for digital rights management that allow a user to download and use content at a single media player or consumer device regardless of the DRM scheme, since such a method is suggested by Safadi '860(paragraph 44).

Dureau '860 and Safadi '086 are silent on, wherein to intelligently transcode comprises the capability of transcaling.

Yun '123 teaches, wherein to intelligently transcode comprises the capability of transcaling (see paragraphs 23, 24 and Fig. 1, i.e. MMS transcoder 140 converting color depth and resolution of received images).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of transcaling/ changing resolution of media content as taught by Yun '123 into the transcoder subsystem 310 of Dureau '860, in order to modify an event image mail from the relay server to be suitable for a subscriber terminal environment, as suggested by Yun '123 (see abstract).

Regarding claim 32, Dureau '860 discloses, wherein the controller comprises **at least one** of a media center, a set top box, a personal computer, a home server, and a workstation (see paragraph 33 and Fig. 3, i.e. Devices 352A-352E).

Regarding claim 33, Dureau '860 discloses, wherein the one or more rendering devices connected to the controller by the media renderer (Fig 3, Receiver 352E) are incapable of directly connecting to the controller (Fig 3, Receiver 352E the monitor is connected to NG Receiver via Receiver 352E).

Regarding claim 35, Dureau '860 discloses, wherein the transcoding comprises converting the format of the digital multimedia content into another media format (Fig 6, steps 604 -610, paragraph 47).

Regarding claim 36, Dureau '860 and Safadi '086 are silent on, wherein the transcaling comprises changing the resolution of the media item.

Yun '123 teaches, wherein the transcaling comprises changing the resolution of the media item (see paragraphs 23, 24 and Fig. 1, i.e. MMS transcoder 140 converting color depth and resolution of received images).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of transcaling/ changing resolution of media content as taught by Yun '123 into the transcoder subsystem 310 of Dureau '860, in order to modify an event image mail from the relay server to be suitable for a subscriber terminal environment, as suggested by Yun '123 (see abstract).

Regarding claim 37, Dureau '860 discloses, wherein the transrating comprises changing or reducing the bitrate of the media item (paragraph 35, lines 34-38, i.e. by compressing the received data receiver 340 achieve data bitrate reduction).

Regarding claim 38, Dureau '860 wherein the transformatting comprises converting packaging of the media format to another media packaging format (see paragraph 39, lines 1-9).

Regarding claim 39, Dureau '860 failed to teach, wherein the transcripting comprises instructions for converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme.

Safadi '086 teaches, wherein the transcripting comprises converting a Digital Rights Management (DRM)/copy protection scheme to another DRM/copy protection scheme(see paragraph 33 -39, Safadi ' 086 teaches a process of changing an original DRM scheme into native DRM scheme).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of changing an original scheme DRM into local RDM scheme as taught by Safadi '086 into the transcoder subsystem 310 of Dureau '860, in order to provide methods and apparatus for digital rights management that allow a user to download and use content at a single media player or consumer device regardless of the DRM scheme, since such a method is suggested by Safadi '860(paragraph 44).

9. **Claims 7 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau '860, Safadi '086 and Yun '123 as applied to claim 1 and 13 above, and further in view of Sull et al (US 2002/0069218 A1).

Regarding claim 7, Dureau '860, Safadi '086 and Yun '123 failed to teach, wherein a metadata server is used to determine the device capabilities.

Sull '218 teaches wherein a metadata server is used to determine the device capabilities (see paragraph 57 and 58, i.e. using metadata to learn about a device and a user).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of using metadata server to learn about the device capabilities as taught by Sull '218 into the NG Receiver of Dureau '860, in order to determine the user's trends or patterns that can be used to predict future viewing preferences, since such method is suggested by Sull '218(see paragraph 57).

Regarding claim 19, Dureau '860, Safadi '086 and Yun '123 failed to teach, wherein a metadata server is used to determine the device capabilities.

However, Sull '218 teaches, wherein a metadata server is used to determine the device capabilities (see paragraph 57 and 58, i.e. using metadata to learn about a device and a user).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of using metadata server to learn about the device capabilities as taught by Sull '218 into the NG Receiver of Dureau '860, in order to determine

the user's trends or patterns that can be used to predict future viewing preferences, since such method is suggested by Sull '218(see paragraph 57).

10. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau '860, Safadi '086 and Yun '123 as applied to claim 13 above, and further in view of Amini et al (US 6581102 B1).

Regarding claim 26, Dureau '860 discloses, wherein the graph manager comprises: a demultiplexer to separate the media input into video and audio components (see paragraph 39 and Fig 5, element 530B); a decode/encode to decode the video and audio components and intelligent transcode the video and audio components based on the infrastructure generated by the graph manager (Fig 5, transcode subunits 520, see also 44)

Dureau '860, Safadi '086 and Yun '123 are silent on, a capture filter to capture media input; and a network filter to filter the media data for streaming to the rendering device.

Amini '102 teaches, a capture filter to capture media input; and a network filter to filter the media data for streaming to the rendering device(see column 16, lines 5-28, see also column 3, lines 15-68, Amini discloses a method of creating filter on the receiving ports, and using filters to send streaming data to the network).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of creating filters at the input port and output port of communication device as taught by Amini '102 into the transcoder subsystem 310 of Dureau '860, in order to enhance the ability of a media processing system to store and stream various media formats under a variety of conditions.

Dureau '860 and Amini '102 do not explicitly teach, a multiplexer to combine the transcoded video and audio components into media data

However, Dureau '860 teaches a multiplexor that multiplexes audio / video signals on the transmitting side (see Fig 2, Multiplexor 220, see also paragraph 30)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of using a multiplexor for multiplexing audio and video signals from Fig. 2 of Dureau '860 into the transcoder subsystem 310 of Dureau '860 Fig. 5, in order to combine the transcoded video and audio signals.

11. **Claims 27 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau '860, Safadi '086, Yun '123 and Amini '102 as applied to claim 25 above, and further in view of Crouch et al (US 2004/0207724 A1).

Regarding claim 27, Dureau '860, Safadi '086, Yun '123 and Amini '102 failed to teach, wherein the media data is streamed using HTTP (Hypertext Transport Protocol).

Crouch '724 teaches, wherein the media data is streamed using HTTP (Hypertext Transport Protocol) (see paragraph 24, Crouch '724, teaches using HTTP for media streaming purposes).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of using HTTP to stream media data as taught by Crouch '724 into the modified transcoder subsystem 310 of Dureau '860, in order to switch a live stream to new media stream, since such a method is suggested by Crouch '724 (paragraph 25).

Regarding claim 28, Dureau '860, Safadi '086, Yun '123 and Amini '102 failed to teach, wherein the media data is streamed using RTP (Real-Time Transport Protocol).

However, Crouch '724 teaches, wherein the media data is streamed using RTP (Real-Time Transport Protocol) (see paragraph 24, Crouch '724, teaches using HTTP for media streaming purposes).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, the method of using RTP to stream media data as taught by

Crouch '724 into the modified transcoder subsystem 310 of Dureau '860, in order to switch a live stream to new media stream.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, Sezer et al (US 6959116 B2), Brooks et al (US 7047305 B1), Zhang et al (US 2004/0111749 A1), Dak Cabto et al (US 2003/0217166 A1), Ludtke et al (US 6421069 B1) and Bantz et al (US 2004/0236818 A1) to show a transcoding system.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AWET HAILE whose telephone number is (571)270-3114. The examiner can normally be reached on Monday through Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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